

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

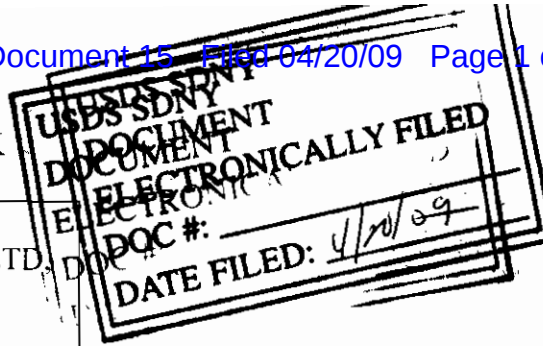
HOPECOAST SHIPPING COMPANY LTD.

Plaintiff,

-v-

KYSCO SHIPPING CO. LTD.,

Defendant.



No. 08 Civ. 8169 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

Plaintiff commenced this action on September 23, 2008, “in order to obtain security for . . . *claims made or to be made* in another jurisdiction including Hong Kong.” (Compl. ¶ 8 (emphasis added).) On February 9, 2009, Plaintiff represented to the Court that it had commenced arbitral proceedings in Hong Kong relating to its claims against Defendant. (See Doc. No. 14.) However, by letter dated April 17, 2009, Plaintiff “apologize[s] for any confusion,” and indicates that it has *not*, in fact, commenced an arbitration. Plaintiff further represents to the Court that the reason for the delay is that “the parties have been engaged in good-faith settlement discussions.”

Accordingly, should this matter not be resolved beforehand, Plaintiff is HEREBY ORDERED to show cause by May 22, 2009, in writing and with citation to legal authority, why this matter should not be dismissed for failure to prosecute in light of its delay in commencing arbitral proceedings and its misrepresentations to the Court.

SO ORDERED.

Dated: April 20, 2009  
New York, New York

  
RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE